I hereby certify that this correspondence is deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 5, 2003 Signature: (Shawn P. Foley)

Docket No.: EGYPSA 3.0-006
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Legrain et al.

Application No.: 10/066,127

Group Art Unit: 1653

Filed: January 31, 2002

Examiner: Laurie A. Mayes

For: IDENTIFICATION OF THE ANTI-σ28 FACTOR IN HELICOBACTER PYLORI, IN CAMPYLOBACTER JEJUNI AND IN PSEUDOMONAS AERUGINOSA AND APPLICATION THEREOF

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Communication mailed May 5, 2003.

Applicants hereby elect SEQ ID NOS: 1 and 5. In their Amendment mailed March 12, 2003, Applicants advanced an argument based upon §803.04 of the MPEP, which permits election of a reasonable number of independent and distinct nucleotide sequences for purposes of examination in a single patent application. Plainly, the MPEP does not require the elect sequences to be "related". However, the Office Communication provides no explanation as to why this section of the MPEP is not being followed. Accordingly, this election is being made with traverse.

Aside from the foregoing, the Examiner is respectfully reminded of proper procedure for examination pursuant to election of species, as set forth in MPEP §809.02(c).

The Examiner is encouraged to contact the undersigned if she has any questions. The Commissioner is authorized to charge any fees that may be due and owing to Deposit Account No. 12-1095.

Dated: June 5, 2003

Respectfully submitted,
By Shawn P. Foley
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